

Serial No. 09/788,422

Art Unit: 2623

REMARKS

Claims 1 - 12 are pending in the present application. Claims 1-2, 4, and 11 are amended. Support for these amendments can be found in the present application, among other places, on pages

Furthermore, Applicants also amended the claims for one or more of (a) addressing issues of form, (b) ensuring an antecedent basis for terms, (c) improving grammar, or (d) deleting recitals that do not appear to be necessary for patentability. None of the amendments for the above reasons are intended to narrow the scope of any term of any claim. Therefore, the doctrine of equivalents should be available these terms of the claims for amendments made for these reasons. An example of reasons(d) would be, for instance, the substitution of "user-portable equipment" for "camera."

The specification on page 19, line 1-12 has been amended. This was done to correct an error within the specification. In the specification as filed, page 19, line 3 improperly recite "an input control 98." This has now been amended to properly recite an "input control 28." Furthermore, the Summary of the Invention has been amended to more accurately reflect the claims as presently amended.

In section 4 of the Office Action, claims 1-12 are rejected under 35 U.S.C. 112 first paragraph for failing to comply with the written description requirement, and in section 6 of the Office Action, claims 1-12 are rejected for "confusing language." Applicants amended claims 1-2, 4 and 11 to address these issues. Reconsideration and withdrawal of the section 112 rejections are respectfully solicited.

Specifically, the Examiner has stated that the Applicants need to show support for the concept of how the first data and the second data in relation with the geographic location of the camera/ camera- data item processing, especially as it relates to claims 1-5 and 7-8.

Applicants state that support for the above concept can be found on page 19, lines 1-4. "Where a camera is provided with a location discovery means 29 for location stamping photos (see camera 90 in Figure 17), the control means 93 of the camera, when activated by user operation of input control 98, can be arranged to enable additional location information 98 to be stored in memory 94 without the need to actually record image data 95." The location when stamping an image is an example of a first data, and the location information that is independent of stamping the image is an example of the second data. Furthermore, FIGURE 17 depicts items

Serial No. 09/788,422

Art Unit: 2623

held in memory 94 as either comprising "photo data and location" or, alternatively, "location", the latter being item 175. In other words, a "photo data and location" is a "first data," and a location stored by itself is a "second data." Applicants therefore request that the Examiner withdraw his 112 objection to claims 1-5 and 7-8.

The Examiner has also objected to claim 11, stating that there is no support for the claimed limitation of "retrieving, based on said data, **from a resource other than said mobile device**, an image concerning said geographic location." (Emphasis in original Office Action). Applicants respectfully disagree with the Examiner, and overcome the objection. On page 18, lines 30-31 of the present Application refers to a subsequent retrieval of a photograph "from the Web or other photo archive." Applicants submit that the Web is a resource other than the mobile device, thereby supporting claim 11. Furthermore, page 19, line 31 to page 20, line 14 of the present Application also describes the retrieval of desired image data, via the Internet, from a specialized service 174.

The Examiner has also objected to claim 6, there is no support for the claimed limitation of "retrieving comprises retrieving multiple image recordings **displaying said multiple image recordings and enabling a user to choose at least one of said multiple image recordings for retention and associations with said set of image recordings.**" (Emphasis in original). Applicants respectfully disagree with the Examiner. On page 19, line 31 to page 20, line 14, the Application discusses material related to the above application, such as the user being presented with a choice of third-party photographs to add to a photo album.

In section 5 of the Office Action, the Examiner states that claims 3 and 5 are objected to under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the concept wherein "first data" and "second data" are recorded in a same sequence of data items is not supported in the original specification. Applicants respectfully state that the above is supported, for instance, on page 19, line 31 to page 20, line 14. Applicants respectfully request that the Examiner withdraw his 112 objection.

In section 6 of the Office Action, the Examiner states that claim 1-12 are objected to due to the use of "confusing language." Per the telephone conversation of January 13, 2005, between the Examiner and a representative of the Applicants, Mr. John Yankovich, it was determined that if the previous 112 issues of the above sections were addressed, the Examiner would withdraw

Serial No. 09/788,422

Art Unit: 2623

this objection of "confusing language." Applicants respectfully state that the above 112 objectives have been addressed, and therefore, Applicants request that the Examiner withdraw the 112 objections to claims 1-12.

In section 8 of the Office Action, claims 1-5, 7-8, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,606,627 to Kuo *et al.* (hereinafter "Kuo" or "the Kuo patent"). Applicants respectfully overcome this rejection.

Claim 1 provides for a method of augmenting a set of image recordings that are taken using user-portable equipment provided with camera functionality. The method includes, *inter alia*, (i) recording, in response to an activation of said user-portable equipment by a user and in association with taking an image recording of the set, first data indicative of a geographic location of said user-portable equipment, and (ii) recording, in response to a further activation of said user-portable equipment by said user and separately from taking an image recording using said equipment, second data indicative of a geographic location of the user-portable equipment. The method further includes augmenting the set by using the second data to retrieve an image recording concerning the geographic location indicated by the second data.

Kuo is directed to a method and apparatus that extracts digital elevation data from a pair of stereo images with two corresponding sets of airborne control data associated with each image of the stereo image pair. (Abstract). For example, Kuo has common feature identification process 26 that includes an extraction stage 206 and a common list construction stage 208, and performs further data processing upon them, such as through a Laplacian filter, for edge recognition (column 8, lines 30-39). Point and edge features are identified from the stereo image pair, and the topographic elevation of each feature is derived from an object-space parallax to eliminate the need for a stereoscopic viewing device or ground control data.

Kuo, however, does not disclose, teach or suggest recording first data, in response to an activation of the user-portable equipment by a user, of a geographic location in conjunction with disclosing, teaching or suggesting recording, in response to a further activation of the user-portable equipment by the user, separate from taking an image recording, second data indicative of a geographic location of the user-portable equipment. In other words, Kuo does not disclose, teach or suggest use of user-portable equipment that can be used both to record image and location data as first data, and just location data as second data, all of which are recited in claim

Serial No. 09/788,422

Art Unit: 2623

1. Thus, Applicants submit that Kuo does not disclose, teach or suggest claim 1. Applicants therefore respectfully request reconsideration and withdrawal of the section 102(b) rejection of claim 1.

Claims 2-5 and 7-8 depend from claim 1. By virtue of these dependencies, Applicants submit that claims 2-5 and 7-8 are also novel over Kuo. Applicants therefore respectfully request reconsideration and withdrawal of the section 102(b) rejection of claims 2-5 and 7-8.

Claim 11 is rejected over Kuo. Applicants respectfully overcome this rejection. Applicants submit that claim 11 is patentable for reasons similar to claim 1 being patentable. These reasons include Kuo not disclosing, teaching, or suggesting a combination of recording a first image using camera functionality of a portable device, the first image being recorded in response to an activation of said device; **recording, in response to a further activation of the portable device but separately from taking an image recording using the portable device**, data indicative of a geographic location of said device... Thus, Applicants submit that Kuo does not anticipate, teach or render obvious claim 11. Applicants therefore respectfully request reconsideration and withdrawal of the section 102(b) rejection of claim 11.

Claim 12 depends from claim 11. By virtue of this dependence, claim 12 is also novel over Kuo. Applicants therefore respectfully request reconsideration and withdrawal of the section 102(b) rejection of claim 12.

In section 10 of the Office Action, claim 6 is rejected under 35 USC 103(a) as being unpatentable over Kuo in further view of U.S. Patent No. to Kuba *et al.* (hereinafter "Kuba" or "the Kuba patent"). Applicants respectfully overcome this rejection. Kuba does not compensate for the deficiency of Kuo as Kuo applies to claim 1. Claim 6 depends from claim 1. By virtue of this dependence, claim 6 is also novel over Kuo. Applicants therefore respectfully request reconsideration and withdrawal of the section 103(a) rejection of claim 6.

In section 11 of the Office Action, claims 9-10 are rejected under 35 USC 103(a) as being unpatentable over Kuo in further view of U.S. Patent No. to Bacus *et al.* (hereinafter "Bacus" or "the Bacus patent"). Applicants respectfully overcome this rejection. Bacus does not compensate for the deficiency of Kuo as Kuo applies to claim 1. Claims 9-10 depend from claim 1. By virtue of these dependencies, claims 9-10 are also novel over Kuo. Applicants therefore

Serial No. 09/788,422

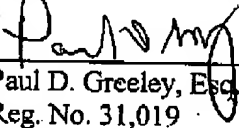
Art Unit: 2623

respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 9-10.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

3-29-05
Date

Respectfully submitted,


Paul D. Greeley, Esq.
Reg. No. 31,019

Attorney for the Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401